

REMARKS

Claims 1-31 were examined in the most recent office action, dated November 26, 2004. Applicants appreciate the indication that claims 3, 6, 7, 22, and 23 would be allowable if rewritten to include all limitations of the base claim and any intervening claims. Claims 1, 2, 4, 5, 8-21, and 24-31 stand rejected under 35 U.S.C. § 103(a) as being obvious.

Claims 32, 33, and 34 have been added, with claim language corresponding to claims 3, 6, and 22, respectively. Accordingly, these claims are allowable. Withdrawal of all rejections is respectfully requested in view of the amendments to the claims and the remarks made herein.

Claim 1 is Allowable.

Applicants traverse the rejection to claim 1, as amended, as being obvious over Menayan, U.S. Patent No. 5,417,794 ("Menayan") in view of Lindee, U.S. Patent No. 4,243,466 ("Lindee"). Claim 1 recites, in part, continuously transporting the object along a path at a constant level, at least during the pull-over application, and controlling the holding device of the object during the pull-over application of the label jacket as a function of the transport movement of the object along the path. Claim 1 has been amended to incorporate subject matter from originally filed claims 4 and 8. See also page 11 of the specification, second full paragraph. Neither reference discloses controlling the holding device as a function of the transport movement along the constant level path.

Menayan discloses a device that automatically applies jacket labels to bottles as the bottles travel in a circle. As admitted in the office action, Menayan does not disclose "a holding device for holding the container by positive or friction lock prior to pull-over application." See office action, page 2. Instead, Menayan only describes an annular guide rail 146 that "enhances the stability of the article units on the article units supports 24." See column 10, lines 23-29. Thus, Menayan does not disclose a holding device at all, and further does not disclose controlling the holding device as a function of the transport movement of the object along the constant level path.

Lindee describes a labeling apparatus in which bottles move horizontally along a first conveyor into a machine until the machines stops them. The lead bottle then is clamped, and the clamp and bottle move vertically upward. The clamp releases the bottle as the bottle is

directed through an expanded label. The label is disposed on the bottle, the bottle is reclamped, and the clamp and bottle move back vertically downward. The bottle then moves horizontally along a second conveyor. Therefore, Lindee fails to disclose transporting the object along a constant level path during the pull over process, and further fails to disclose controlling the holding device of the object as a function of the transport movement of the object along the constant level path during the pull-over process. Accordingly, neither reference discloses or suggests the noted aspect of claim 1, and therefore claim 1 is allowable over the art of record. Dependent claims 2-7 are also allowable.

Claim 9 is Allowable.

Applicants respectfully traverse the rejection to Claim 9, as amended, as obvious under 35 U.S.C. § 103(a) over Menayan in view of Lindee. Claim 9 recites, in part, at least one controllable holding device, a continuously drivable conveyor for transporting the object at a constant level, at least during the pull-over application, and a controllable actuation device that actuates the holding device as a function of the transport direction of the object, at least during the pull-over application. Claim 9 has been amended to include subject matter of originally filed claims 10 and 14. See also page 11 of the specification, second full paragraph.

Claim 9 is allowable for the same reasons that claim 1 is allowable. As shown earlier, Menayan does not disclose a holding device, and therefore does not disclose a controllable actuation device that actuates the holding device as a function of the constant level transport direction. Again, the machine disclosed in Lindee raises the bottle upward for application of the label. Therefore, Lindee also does not disclose a controllable actuation device that actuates the holding device as a function of the constant level transport during the pull-over application.

Accordingly, claim 9 is allowable over the cited references. Dependent claims 11-31 are also allowable.

CONCLUSION

In view of the above amendment, the pending application is in condition for allowance. A check for a petition for a three month extension, two further independent claims, and one further total claim is included. Applicant believes no other fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 13-2855, under Order No. 30071/32004 from which the undersigned is authorized to draw.

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Respectfully submitted,

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